BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA MINUTES

Regular Meeting

October 18, 2011

<u>Call to Order</u>. A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 7:01 p.m., Tuesday, October 18, 2011, in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Harry E. Crisp II; Cord A. Sterling; Susan B. Stimpson; and Robert "Bob" Woodson. Gary F. Snellings was absent.

Also in attendance were: Anthony Romanello, County Administrator; Charles Shumate, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pamela Timmons, Deputy Clerk; associated staff and interested parties.

Mr. Dudenhefer stated that due to Mr. Snellings' absence, Item 3, a public hearing on Poplar Road improvements, would be deferred to November 15, 2011. Item 18, Rt. 17 Widening/Property Impact, was also deferred to November 15th. Both items pertain to matters in the Hartwood District.

<u>Invocation</u> Ms. Stimpson gave the Invocation.

<u>Pledge of Allegiance</u> Mr. Dudenhefer led the Pledge of Allegiance to the Flag of the United States of America.

Presentations by the Public

The following persons desired to speak:

Holly Hazard - Cord Sterling's donation to Margaret Brent ES

Aiden Drake - Gave Mr. Sterling a shirt, thanked him for donation

John Buyers - Poplar Road Improvements

Frances Buyers - Poplar Road Improvements

Alex McCallister - Poplar Road Improvements

Steve Davidson - New Moncure ES building placement

Recognize 1st Sgt. Eric W. Jessee – 2011 Deputy of the Year; and Recognize Detective Todd Nosal – Alcohol, Tobacco, Firearms and Explosives Enforcement (ATF) Award Recipient Mr. Dudenhefer recognized the achievements of, and awards received by, 1st Sgt. Jessee and Detective Nosal. Detective Nosal attended the meeting. Captain Billy Bowler attended on behalf of 1st Sgt. Jessee.

<u>Legislative</u>; <u>Standing Committee Reports by Board Members</u> Board members provided the following Standing Committee updates:

Susan Stimpson - Permit Center - Mr. Dave Winter, consultant;

- "Green" ideas regarding construction of the Center;

Tourism Website redesign

<u>Planning and Zoning; Reclassify from M-1 Light Industrial to B-2 Urban Commercial on Assessor's Parcel 13C-H Located at 375 Corporate Drive – Quantico Corporate Center Mr. Mike Zuraf, Principal Planner, gave a presentation and answered Board members questions.</u> The developer of the project, Mr. Samer Shalaby, also answered questions.

Mr. Woodson asked if the property was going to be an extended stay hotel and inquired about the number of hotel rooms currently in place along the Route 1/Garrisonville Road corridor. Dr. Crisp said that according to the Planning Commission minutes, there was a letter from Marine Corps Base Quantico expressing concern about noise impact and the need for a building design to mitigate effects of the noise. Mr. Zuraf said that Marriott conducted a sound study and determined that the site was acceptable, after which Marine Corp Base Quantico was in agreement with the location of the proposed hotel.

Dr. Crisp asked about proffers if the hotel deal did not go through. Mr. Zuraf answered that the proffers would still be in effect and must be adhered to. In answer to Dr. Crisp's question about corporations currently located at the Quantico Corporate Center, Deputy County Administrator, Mr. Tim Baroody, replied that there are 16 or 17 corporations located there with leases signed for another three, and the buildings were 80% leased. Dr. Crisp talked about small to medium companies that would have large numbers of visitors in the area for business. Mr. Baroody agreed and noted that there are approximately 24,000 people on Base daily and another 3,000 at the MDIA building, which is one mile from the proposed hotel site.

Mr. Milde asked about potential tax revenue. Mr. Baroody said that it will generate approximately \$1.2M in Occupancy Tax. Mr. Woodson talked about the current 65% occupancy rate for hotels in the Fredericksburg, Spotsylvania, and Stafford area. Mr. Baroody said that 65% was a healthy number.

Mr. Sterling asked Mr. Baroody if, in the Boswell's Corner Redevelopment Area, there was a preference for used car lots or hotels. Mr. Baroody responded, "Hotels." Mr. Dudenhefer asked about the process that Marriott went through before deciding on the proposed site for one of their properties. Mr. Baroody said that hotels presented the most difficult financing to obtain and that Marriott exercised due diligence before moving forward with the proposed project.

Mr. Woodson asked Mr. Shalaby about a third access point onto the property. Mr. Shalaby said that they were working towards it and had done several studies regarding traffic onto Route 1 from Corporate Drive. Mr. Milde thanked Marriott Corporation for their interest in Stafford County.

The Chairman opened the public hearing.

The following persons desired to speak:

Steve Hundley

Frances Buyers

The Chairman closed the public hearing.

Mr. Woodson stated that he could not support rezoning the property and motioned, seconded by Dr. Crisp, to defer this item to the January 17, 2012 meeting.

Mr. Sterling made a substitute motion, seconded by Milde, to adopt proposed Ordinance O11-40.

The Voting Board tally to accept the substitute motion was:

Yea: (4) Sterling, Milde, Dudenhefer, Stimpson

Nay: (2) Crisp, Woodson

Absent: (1) Snellings

The Voting Board tally on the substitute motion to adopt proposed Ordinance O11-40 was:

Yea: (5) Sterling, Milde, Crisp, Dudenhefer, Stimpson

Nay: (1) Woodson

Absent: (1) Snellings

Ordinance O11-40 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM M-1, LIGHT INDUSTRIAL ZONING DISTRICT TO B-2, URBAN COMMERCIAL ZONING DISTRICT ON ASSESSOR'S PARCEL 13C-H WITHIN THE GRIFFIS-WIDEWATER ELECTION DISTRICT

WHEREAS, Development Consulting Services, applicant, has submitted application RC1100182 requesting a reclassification from M-1, Light Industrial Zoning District to B-2, Urban Commercial Zoning District on Assessor's Parcel 13C-H; and

WHEREAS, the Board has carefully considered the recommendations of the Planning Commission, staff, and testimony at the public hearing; and

WHEREAS, the Board has determined that the requested zoning is compatible with the surrounding land uses and zoning; and

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WHEREAS, the Board finds that public necessity, convenience, general welfare,

and good zoning practice require adoption of an ordinance to reclassify the subject

property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, that the Zoning Ordinance for Stafford

County be and it hereby is amended and reordained by amending the zoning district map to reclassify from M-1, Light Industrial Zoning District to B-2, Urban Commercial

Zoning District on Assessor's Parcel 13C-H, with proffers entitled "Proffer Statement",

dated May 19, 2011, and last revised on September 16, 2011.

Public Works; Consider Condemnation and Quick-Take Powers to Acquire Permanent

Right-of-Way, Utility Easements and Temporary Construction Easements for the Poplar

Road Improvement Project

Ms. Stimpson made the following statement: "Mr. Chairman, the Board's agenda this

evening includes a public hearing on the potential condemnation and quick-take powers

to acquire permanent right-of-way utility easements and temporary construction

easements for the Poplar Road improvement project. Unfortunately, Supervisor Snellings

could not attend tonight's meeting and asked that this public hearing be postponed to

November 15th, which is after the election. Under Section 6-5 of the Board's Bylaws and

Rules of Procedure, the Board shall not act or vote on certain matters, including land use

issues, in November or December of any year in which Board members are elected in a

general election. Under Section 3-5 of the Board's Bylaws and Rules of Procedure, the

Board may suspend one or more of its bylaws and rules of procedures with a concurrence

of two-thirds of its members present."

Ms. Stimpson motioned, seconded by Mr. Milde, to suspend Section 6-5 of the Bylaws

and Rules of Procedure, and to defer this item to the November 15th meeting, and also

authorize the County Administrator to advertise the public hearing.

The Voting Board tally was:

Yea:

(6) Stimpson, Milde, Crisp, Dudenhefer, Sterling, Woodson

Nay:

(0)

Absent: (1)

Snellings

<u>Finance and Budget; Consider Decal Fee Exemption for Sheriff's Volunteers</u> Mr. Anthony Romanello, County Administrator, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Ms. Stimpson motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O11-48.

The Voting Board tally was:

Yea: (6) Stimpson, Woodson, Crisp, Dudenhefer, Milde, Sterling

Nay: (0)

Absent: (1) Snellings

Ordinance O11-48 reads as follows:

WHEREAS, during its 2010 session, the General Assembly amended Virginia Code § 46.2-752, allowing localities to issue local licenses free of charge to members and former members of authorized sheriff's volunteer citizen support units who have served at least 10 years in the locality; and

WHEREAS, the Board desires to issue local licenses free of charge to members and former members of the Sheriff's volunteer citizen support unit who have served at least 10 years in Stafford County; and

WHEREAS, the Board has carefully considered the recommendations of the Sheriff's Office and County staff, and the public testimony at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, that Stafford County Code, Section 15-23, entitled "Exemptions," be and it is hereby amended and reordained as follows, all other portions remaining unchanged:

CHAPTER 15 – MOTOR VEHICLES AND TRAFFIC

ARTICLE II. COUNTY VEHICLE LICENSE

Sec. 15-23. - Exemptions.

- (a) This section shall not apply to any person who is exempt, under the provisions of the laws of the state, from payment of the license fee imposed by this article.
- (b) Pursuant to the authority granted by Code of Virginia, § 46.2-752, the following vehicles are exempt from the payment of a license fee:
 - (1) Motor vehicles that are owned by volunteer rescue squads that operate within the county and which are used for emergency calls.
 - (2) One motor vehicle owned and used personally by any active member of a volunteer fire department or rescue squad that operates within the county. On or before January 30 of each year any member of a volunteer fire department or rescue squad who is a county resident and who desires a license fee to be waived shall furnish the county treasurer's office with a certificate signed by the chief or head of the fire department or rescue squad verifying that the volunteer is an active member of the fire department or rescue squad who regularly responds to emergency calls or regularly performs other duties for the fire department or rescue squad. No refunds shall be made for license fees paid by the members of a volunteer fire department or rescue squad.
 - (3) Motor vehicles owned by members and former members of the sheriff's volunteer citizen support unit who have served at least 10 years in the county. On or before January 30 of each year any member of the volunteer citizen support unit who have served at least 10 years in the county and are a county resident who desires a license fee to be waived shall furnish the county commissioner's office with a certificate signed by the sheriff or his designee that the volunteer is a member or former member of the sheriff's volunteer citizen support unit who have served at least 10 years in the county.

BE IT FURTHER ORDAINED that the effective date of this ordinance shall be January 1, 2012.

Legislative; Request for VDOT Transportation Enhancement Program Funding for Continued Planning and Construction of the Belmont-Ferry Farm Trail System Mr. David Gayle, Grants Administrator, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Dr. Crisp motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R11-288.

The Voting Board tally was:

Yea: (5) Crisp, Stimpson, Dudenhefer, Milde, Woodson

Nay: (0)

Absent: (1) Snellings

Abstain: (1) Sterling

Resolution R11-288 reads as follows:

A REOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO REQUEST FUNDING FROM THE FISCAL YEAR 2012-13 VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) TRANSPORTATION ENHANCEMENT PROGRAM FOR THE CONTINUED PLANNING AND CONSTRUCTION OF THE BELMONT- FERRY FARM TRAIL SYSTEM (PHASES 4 AND 6)

WHEREAS, the Transportation Equity Act for the 21st Century (TEA-21) requires states to set aside a portion of its share of Federal Surface Transportation Program Grants for the transportation enhancement program; and

WHEREAS, eligible transportation enhancement program projects include pedestrian and bicycle facilities, scenic or historic easements, scenic or historic highway programs, streetscaping and landscaping, historic preservation and rehabilitation, and billboard removal; and

WHEREAS, the Virginia Department of Transportation (VDOT) established a competitive process for localities to apply for Transportation Enhancement Program funds; and

WHEREAS, in accordance with VDOT Transportation Enhancement Program application procedures, it is necessary that the Board, by resolution, commit to the sponsorship of the project and to verify the availability of the 20% local match; and

WHEREAS, the Board has considered the recommendations of staff, and the testimony received at the public hearing on this matter; and

WHEREAS, recommendation #4 of the Falmouth Redevelopment Plan adopted previously by the Board states that the County should "Develop a strategic master plan to develop the riverfront as cultural/historical and recreational attractions. Integrated with the Belmont-Ferry Farm Trail, this could provide a unique tourist draw and provide the basis for the sensitive transformation of Falmouth Village."; and

WHEREAS, the Board desires to request funding for the continued planning and construction of the Belmont-Ferry Farm Trail System (Phases 4 and 6);

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, that the County Administrator be and he hereby is authorized to request One Million Dollars (\$1,000,000) in Fiscal Year 2012-13 Virginia Department of Transportation (VDOT) Transportation Enhancement Program

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funds for planning and construction of the Belmont-Ferry Farm Trail System (Phases 4 & 6) and to verify that the 20% local match of \$250,000 is available should the grant be

awarded to the County.

Legislative: Additions/Deletions to the Regular Agenda Mr. Milde motioned, seconded

by Ms. Stimpson, to accept the Agenda with the addition of Item 20. Finance and Budget;

Health Insurance Fund Appropriation (Proposed Resolution R11-299); and Item 21.

Parks, Recreation and Community Facilities; Execute a Contract for Land Acquisition

Support and Preliminary Engineering Services for the Rectangular Field Complex Site

(Proposed Resolution R11-298); and defer to November 15, 2011, Item 18. Discuss

Warrenton Road (Rt. 17) Widening Property Impacts.

The Voting Board tally was:

Yea:

(6) Milde, Stimpson, Crisp, Sterling, Dudenhefer, Woodson

Nay:

: (0)

Absent: (1)

Snellings

Legislative; Consent Agenda Mr. Milde motioned, seconded by Ms. Stimpson, to adopt

the Consent Agenda consisting of Items 6 thru 15, omitting Items 13 and 14 at the request

of Mr. Woodson.

The Voting Board tally was:

Yea:

(6) Milde, Stimpson, Crisp, Dudenhefer, Sterling, Woodson

Nay:

y: (0)

Absent: (1)

Snellings

Item 6. Legislative; Approve the Minutes of the October 4, 2011 Board Meeting

Item 7. Finance and Budget; Waive Approval of Late October/Early November

Expenditure Listing (EL)

Resolution R11-293 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO WAIVE BOARD APPROVAL OF OCTOBER/NOVEMBER 2011 INVOICES IN EXCESS OF \$100,000

WHEREAS, accounts payable invoices in excess of \$100,000 are released only upon Board approval; and

WHEREAS, the Board has no scheduled meetings between October 19 and November 15, 2011; and

WHEREAS, the Board meeting schedule may cause late payment and some vendor checks to be held for several weeks; and

WHEREAS, the Board will be provided with the expenditure listings for ratification at its November 15th meeting;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2011 that the County Administrator be and he hereby is authorized to waive Board approval of expenditures in excess of \$100,000 for the period of October 18 through November 14, 2011 and that these expenditures will be ratified at the November 15, 2011 Board meeting.

Item 8. Public Works; Petition VDOT to Include Perchwood Drive within Cranes Corner Industrial Park; Madeline Lane and Arden Lane within Manor Wood Estates; and Queen Laurens Court within Queens Guard Subdivision, Section 2, into the Secondary System of State Highways

Resolution R11-263 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE WOODSTREAM BOULEVARD WITHIN STAFFORD MARKET PLACE INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Woodstream Boulevard within Stafford Market Place into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, that VDOT be and it hereby is petitioned to include the following street within Stafford Market Place into the Secondary System of State Highways:

Woodstream Blvd. (SR-2277) From: Staffordboro Blvd. (SR-684) To: 0.15 mi. E. of Staffordboro Blvd. (SR-684) 0.15 mi. ROW 90'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled "Street Dedication and Various Easements, Stafford Market Place, Parcel 3B," recorded in PM050000101 with LR050016772 on May 10, 2005; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Transportation and Land Use Director for the VDOT Fredericksburg District.

Resolution R11-274 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE PERCHWOOD DRIVE WITHIN CRANES CORNER INDUSTRIAL PARK INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Perchwood Drive within Cranes Corner Industrial Park into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, that VDOT be and it hereby is petitioned to include the following street within Cranes Corner Industrial Park into the Secondary System of State Highways:

Street Name/Route Number Station

Length

Perchwood Drive (SR-2196) From: Inter. Jefferson Davis Hwy. (US-1) 0.15 mi.
To: 0.15 mi. E. of Inter. Jefferson Davis Hwy. ROW 50'
(US-1)

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled "Plat of Resubdivision of Lots 1, 2 & 3 and dedication of Perchwood Drive, Cranes Corner Industrial Park," recorded in PB 28 on PG 317 and 318 with LR960006382 recorded on May 9, 1996; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Transportation and Land Use Director for the VDOT Fredericksburg District.

Resolution R11-275 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE MADELINE LANE AND ARDEN LANE WITHIN MANOR WOOD ESTATES INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Madeline Lane and Arden Lane within Manor Wood Estates into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, that VDOT be and it hereby is petitioned to include the following streets within Manor Wood Estates into the Secondary System of State Highways:

Street Name/Route Number	<u>er Station</u>	<u>Length</u>
Madeline Lane (SR-2169)	From: Inter. Arden Lane (SR-2168)	0.37 mi.
	To: 0.37 mi. E. of Arden Lane (SR-2168)	ROW 50'
Arden Lane (SR-2168)	From: Inter. Madeline Lane (SR-2169)	0.46 mi.
	To: 0.46 mi. N. of Madeline Lane (SR-2169)	ROW 50'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled "Plat of Subdivision Manor Wood Estates," recorded in PM04000095 with LR040015939 on April 28, 2004; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Transportation and Land Use Director for the VDOT Fredericksburg District.

Resolution R11-276 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE QUEEN LAURENS COURT WITHIN QUEENS GUARD SUBDIVISION, SECTION 2, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Queen Laurens Court within Queens Guard Subdivision, Section 2, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2011 that, VDOT be and it hereby is petitioned to include the following street within Queens Guard Subdivision, Section 2, into the Secondary System of State Highways:

<u>Street Name/Route Number</u> <u>Station</u> <u>Length</u>
Queen Laurens Ct. From: Inter. Empress Alexandra Pl. (SR-2083) 0.28 mi.
(SR-2085)

To: 0.28 mi. NW of Inter. Empress Alexandra Pl. (SR-2083)

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled "Subdivision Plat of Queens Guard, Section 2," recorded in PM040000101 with LR040016778 recorded on May 4, 2004; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and the Transportation and Land Use Director for the VDOT Fredericksburg District.

Item 9. Planning and Zoning; Appropriate Purchase of Development Rights (PDR)
Funding

Resolution R11-284 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE FUNDS AND APPLY FOR STATE MATCHING FUNDS, THROUGH THE VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, TO SUPPORT THE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM IN STAFFORD COUNTY

WHEREAS, the Stafford County Purchase of Development Rights (PDR) Program was established in 2007; and

WHEREAS, the PDR Program has \$66,093 available through rollback tax revenues, for purchasing of development rights on property in the County; and

WHEREAS, the Virginia Department of Agriculture and Consumer Services (VDACS) has announced that \$1.2 million is available in FY2012 for matching funds for localities with certified PDR programs; and

WHEREAS, the Board desires to apply for State matching funds through VDACS by the October 21, 2011 deadline; and

WHEREAS, the County must certify that the funds have been budgeted and appropriated in order to apply for State matching funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, that funds in the amount of Sixty-six

Thousand and Ninety-three Dollars (\$66,093) be and they hereby are budgeted and appropriated in FY2012 for the Stafford County Purchase of Development Rights program; and

BE IT FURTHER RESOLVED that the County Administrator and/or the Purchase of Development Rights Administrator is authorized to apply for State matching funds through the Virginia Department of Agriculture and Consumer Services in the amount of Sixty-six Thousand and Ninety-three Dollars (\$66,093) for the Stafford County Purchase of Development Rights program.

Item 10. Parks, Recreation and Community Facilities; Authorize the County

Administrator to Execute a Contract for Master Planning and Preliminary Design and

Engineering Services for Musselman Park

Resolution R11-285 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR MASTER PLANNING AND PRELIMINARY ENGINEERING SERVICES FOR MUSSELMAN PARK

WHEREAS, the proposed development of Musselman Park will increase recreational opportunities for County residents, and encourage broader outdoor activities, by providing additional sport fields and outdoor facilities in the Hartwood District and for the benefit of all County citizens; and

WHEREAS, Musselman Park was identified for development in the 2009 Parks Bond; and

WHEREAS, the property for Musselman Park was purchased in 2005 and remains undeveloped; and

WHEREAS, Land Planning and Design Associates proposed to provide master planning and preliminary engineering services for the Park project in an amount not to exceed \$143,272; and

WHEREAS, staff determined that this proposal is reasonable for the scope of work of this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, that the County Administrator be and he hereby is authorized to execute a contract with Land Planning and Design Associates, in an amount not to exceed One Hundred Forty-three Thousand, Two-Hundred and Seventy-Two Dollars (\$143,272) unless amended by a duly-executed contract amendment, for master planning and preliminary engineering services for Musselman Park; and

BE IT FURTHER RESOLVED that that the County Administrator be and he hereby is authorized to budget and appropriate funds in the amount of \$143,272 from the Capital Reserves to the Capital Project Fund for master planning and preliminary engineering services for Musselman Park; and

BE IT STILL FURTHER RESOLVED that Intent to Reimburse for the design of Musselman Park made out of the Capital Reserve Funds for FY2012 be and it hereby is adopted as follows:

NOTICE OF INTENT TO REIMBURSE CERTAIN CAPITAL IMPROVEMENT EXPENDITURES

<u>Section 1: Statement of Intent</u>. The County presently intends to finance planning and design services for Musselman Park with tax-exempt or taxable bonds or other obligations (the "Bonds") and to reimburse capital expenditures paid by Stafford County (including expenditures previously paid by the County to the extent permitted by law) in connection with the Musselman Park project before the issuance of the Bonds.

Section 2: Source of Interim Financing and Payment of Bonds. Stafford County expects to pay the capital expenditure related to the master planning and preliminary engineering services for Musselman Park incurred before the issuance of the Bonds with an inter-fund loan or loans from the General Fund or from temporary appropriations or loans from the Capital Reserve Fund. Stafford County expects to pay debt service on the Bonds from the General Fund consisting of general tax revenues for the master planning and preliminary engineering services for Musselman Park.

<u>Section 3: Effective Date; Public Inspection</u>. This Resolution is adopted for the purposes of complying with Treasury Regulation Section, 1.150-2, or any successor regulation, and shall be in full force and effect upon its adoption. The Clerk of the Board shall file a copy of this Resolution in the records of Stafford County available for inspection by the general public during Stafford County's normal business hours.

<u>Item 11. Public Works; Approve Appointment of Janet Ratliff to the Hidden Lake</u> <u>Service District Advisory Committee</u>

<u>Item 12. Planning and Zoning; Refer Zoning Ordinance Amendment to the Planning</u>
<u>Commission Regarding Wetland Mitigation Banks</u>

Resolution R11-286 reads as follows:

A RESOLUTION TO REFER ZONING AMENDMENTS TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY CODE, SECTION 28-25, "DEFINITIONS OF SPECIFIC TERMS," AND SECTION 28-35, TABLE 3.1, "TABLE OF USES AND STANDARDS"

WHEREAS, Robert Proutt, Jr., with Hunton & Williams, LLP, requested amendments to the Stafford County Code to provide a definition of a Wetland Mitigation Bank and to allow a Wetland Mitigation Bank as an allowed use in the A-1, Agricultural Zoning District; and

WHEREAS, the Board desires to amend Stafford County Code, Section 28-25, entitled "Definition of Specific Terms," and Section 28-35, Table 3.1, entitled "Table of Uses and Standards," A-1, Agricultural; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an Ordinance;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on the 18th day of October, 2011, that the amendment to the Zoning Ordinance, by proposed Ordinance O11-26, be and it hereby is referred to the Planning Commission for a public hearing and its recommendations; and the Planning Commission shall hold its public hearing, take action, and report its recommendations on proposed Ordinance O11-26, within ninety (90) days after October 19, 2011; and

BE IT FURTHER RESOLVED that the planning Commission be and it hereby is authorized to make modifications to the proposed amendment as it deems necessary and appropriate.

Item 15. Public Works; Approve Recommendations to VDOT and the Commonwealth Transportation Board (CTB) to Include Stafford County's Transportation Projects in VDOT's FY2013 – FY2018 Six-Year Improvement Program (SYIP)

Resolution R11-296 reads as follows:

A RESOLUTION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AND TO THE COMMONWEALTH TRANSPORTATION BOARD (CTB) TO INCLUDE STAFFORD COUNTY'S TRANSPORTATION PROJECTS IN THE VDOT FY2013-FY2018 SIX-YEAR IMPROVEMENT PROGRAM

WHEREAS, the Virginia Department of Transportation (VDOT) is updating its Six-Year Improvement Program (SYIP) for FY2013-2018; and

WHEREAS, VDOT will hold one or more work sessions and a public hearing on the update and the Commonwealth Transportation Board (CTB) will consider the comments received as the CTB deliberates over the FY2013-2018 program;

WHEREAS, the Board desires to express its gratitude to the CTB for fully funding the improvements to the Falmouth Intersection and Warrenton Road (Route 17); and

WHEREAS, the Board supports revisions to the Revenue Sharing program to provide up to \$10,000,000 annually to localities to support the completion of their transportation priorities; and

WHEREAS, the Board is committed to funding the County's \$10,000,000 match annually;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, that the Board be and it hereby does offer support for the following transportation projects, and it requests that they be included in the SYIP FY2013-2018 budget:

UPC 13558 - Relocation of the I-95 (Exit 140) interchange. This project is funded through right-of-way acquisition. Funding for construction of the project (\$129,982,000) is still needed.

UPC 100456 - Widening of US Route 1 (BRAC related) from Telegraph Road to the Prince William County line. This project is partially funded through the preliminary engineering phase. Funding for the remainder of the project (\$75,781,000) is still needed.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the VDOT Fredericksburg District.

Item 13. Public Works; Authorize the County Administrator to Apply for a Recreation Access Grant Mr. Woodson asked for clarification as to how the Grant would improve access. Acting Deputy County Administrator, Keith Dayton, talked about current access to Crow's Nest coming from two directions including a private road, and eastern access over a temporary bridge with an uncertain life span. Mr. Woodson asked if VDOT would pave Raven Road and fix the bridge. Mr. Dayton said that they would do all of the above. Mr. Milde asked if this competed with any other road project. Mr. Dayton said that it would not. Mr. Romanello said that the County would bear no maintenance responsibility for Crow's Nest, that maintenance for the Preserve would be the responsibility of the Commonwealth.

Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R11-291. The Voting Board tally was:

Yea: (3) Dudenhefer, Milde, Stimpson

Nay: (2) Crisp, Woodson

Absent: (1) Snellings

Abstain: (1) Sterling

Resolution R11-291 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO REQUEST FUNDING FROM THE RECREATIONAL ACCESS GRANT PROGRAM

WHEREAS, the Crow's Nest Natural Area Preserve is owned jointly, and will be developed by, Stafford County and the Virginia Department of Conservation and Recreation (DCR), as a recreational facility serving the residents of Stafford County, adjoining localities and Virginia; and

WHEREAS, the existing public road network does not provide for adequate access to this facility and it is deemed necessary that improvements be made to Raven Road (SR 609) to provide adequate access; and

WHEREAS, the procedure governing the allocation of Recreational Access Funds as set forth in Virginia Code Section 33.1-223, requires joint action by the Director of DCR and the Commonwealth Transportation Board (CTB); and

WHEREAS, a statement of policy agreed upon between DCR's Director and the CTB approves the use of such funds for the construction of access roads to publicly-owned recreational or historical areas; and

WHEREAS, the Board has duly adopted a zoning ordinance pursuant to Virginia Code, Section 15.2-2280 et seq; and

WHEREAS, all legal requirements have been met to permit the Director of DCR to designate the Crow's Nest Natural Area Preserve as a public recreational facility and further permit the CTB to provide funds for access to this public recreation area in accordance with Virginia Code Section 33.1-223; and

WHEREAS, the Board agrees, in keeping with the intent of Virginia Code Section 33.1-63, to reasonably protect the aesthetic or cultural value of Raven Road (SR-609), leading to or within areas of historical, natural or recreational significance; and

WHEREAS, Stafford County acknowledges that no land disturbance activities may occur within the limits of the proposed access project without the permission of the Virginia Department of Transportation (VDOT) as a condition of the use of the Recreational Access Fund grant; and

WHEREAS, Stafford County hereby guarantees that the necessary environmental analysis, mitigation, and fee-simple right-of-way for this improvement, and utility relocations or adjustments, if necessary, will be provided at no cost to VDOT;

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Stafford County hereby requests the Director of the Virginia Department of Conservation and Recreation to designate the Crow's Nest Natural Area Preserve as a public recreational area and to recommend to the Commonwealth Transportation Board that Recreational Access funds be allocated for necessary improvements to Raven Road (SR-

609) providing an adequate access road to serve the Crow's Nest Area Natural Preserve; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide a suitable access road as described herein; and

BE IT FURTHER RESOLVED, that the County Administrator be authorized to act on behalf of the Board of Supervisors to execute any and all documents necessary to secure the funding sought through the State Recreational Access Program up to, but not exceeding, Four Hundred Thousand Dollars, (\$400,000) in State funds.

Item 14. Public Works; Designate FY2013 VDOT Revenue Program Sharing Funds Mr. Sterling motioned, seconded by Mr Milde, to adopt proposed Resolution R11-292. Mr. Woodson stated that he would not support this item.

The Voting Board tally was:

Yea: (5) Sterling, Milde, Crisp, Dudenhefer, Stimpson

Nay: (1) Woodson

Absent: (1) Snellings

Resolution R11-292 reads as follows:

A RESOLUTION TO DESIGNATE FY2013 VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING PROGRAM FUNDS

WHEREAS, the Board desires to participate in the FY2013 Revenue Sharing Program; and

WHEREAS, the expansion of the Staffordboro Commuter lot is the first priority of the Board for Virginia Department of Transportation's (VDOT) Revenue Sharing funds; and

WHEREAS, the Board requests VDOT Revenue Sharing Program funds in the amount of \$1,875,000 for the Staffordboro Commuter lot expansion, to be matched equally with County funds; and

WHEREAS, the Board also requests additional VDOT Revenue Sharing Program funds for the Garrisonville Road widening project between Onville Road and Eustace Road, the Board's second priority project, in the amount of \$6,900,000, to be matched equally with County funds; and

WHEREAS, the Board also requests additional VDOT Revenue Sharing Program funds for Truslow Road improvements, between Berea Church Road (SR 654) and

Plantation Drive (SR 1706), the Board's third priority project in the amount of \$1,225,000 to be matched equally with County funds; and

WHEREAS, the Board desires to contribute \$1,875,000 in local funds, and a matching \$1,875,000 in VDOT funds, to the Staffordboro commuter lot expansion as a VDOT Revenue Sharing Program project; and

WHEREAS, the Board commits to matching \$6, 900,000 in Revenue Sharing Program funds with \$6,900,000 in local matching funds; and

WHEREAS, the Board commits to matching \$1,225,000 in Revenue Sharing Program funds with \$1,225,000 in local matching funds; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, that the following projects be and they hereby are designated for the FY2013 VDOT Revenue Sharing Program:

Staffordboro Commuter lot expansion: County contribution of One Million Eight Hundred Seventy-five Thousand Dollars (\$1,875,000) and matched with with VDOT Revenue Sharing Program funds of One Million Eight Hundred Seventy-five Thousand Dollars (\$1,875,000); and

Garrisonville Road widening project between Onville Road and Eustace Road; Six Million Nine Hundred Thousand Dollars (\$6,900,000) in Revenue Sharing Program funds, with Six Million Nine Hundred Thousand Dollars (\$6,900,000) in matching local revenue; and

Truslow Road between Berea Church Road (SR 654) and Plantation Drive (SR 1706: One Million Two Hundred Twenty-five Thousand Dollars (\$1,225,000) in VDOT Revenue Sharing Program funds, with One Million Two Hundred Twenty-five Thousand Dollars (\$1,225,000) in matching local revenue; and

BE IT FURTHER RESOLVED that the VDOT District Administrator receives a certified copy of this Resolution.

<u>Planning and Zoning</u>; <u>Amend Proffered Conditions at 1949 Jefferson Davis Highway</u> <u>Regarding a Medical Office Building</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members additional questions.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Ordinance O11-41 with proffers dated October 17, 2011.

The Voting Board tally was:

Yea: (6) Milde, Sterling, Crisp, Dudenhefer, Stimpson, Woodson

Nay: (0)

Absent: (1) Snellings

Ordinance O11-41 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE PROFFERED CONDITIONS ON ASSESSOR'S PARCELS 39-3 AND 39-3A, ZONED B-2, URBAN COMMERCIAL ZONING DISTRICT, WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, Courthouse Tracts, LLC, applicant, has submitted application RC11100141 requesting an amendment to proffered conditions on Assessor's Parcels 39-3 and 39-3A, zoned B-2, Urban Commercial Zoning District; and

WHEREAS, the Board has carefully considered the recommendations of the Planning Commission, staff, and testimony at the public hearing; and

WHEREAS, the Board has determined that the requested zoning is compatible with the surrounding land uses and zoning; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of an ordinance to amend proffered conditions on the subject property;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the proffered conditions on Assessor's Parcels 39-3 and 39-3A, zoned B-2, Urban Commercial, with proffers entitled "Proffer Statement," dated October 17, 2011.

<u>Planning and Zoning; Consider New Telecommunications Element of the Comprehensive Plan Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Ms. Stimpson said that she, Mr. Snellings, and Mr. Harvey met to discuss the Telecommunication Element and talked about the many requirements for placement of cell towers in the County. She added that following that meeting she was in favor of the new Telecommunications Element of the Comprehensive Plan.</u>

Ms. Stimpson motioned, seconded by Mr. Milde, to adopt proposed Resolution R11-218.

The Voting Board tally was:

Yea: (6) Stimpson, Milde, Crisp, Dudenhefer, Sterling, Woodson

Nay: (0)

Absent: (1) Snellings

Resolution R11-218 reads as follows:

A RESOLUTION TO AMEND THE STAFFORD COUNTY COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 15.2-2229 OF THE CODE OF VIRGINIA (1950), AS AMENDED, BY ADOPTING THE PROPOSED NEW TELECOMMUNICATIONS PLAN ELEMENT, DATED JUNE 2011, AND REPEAL THE CURRENT TELECOMMUNICATIONS PLAN ELEMENT, DATED JUNE 4, 2002

WHEREAS, under Section 15.2-2229 of the Code of Virginia, the Board of Supervisors may amend its Comprehensive Plan; and

WHEREAS, the Board desires to amend the Comprehensive Plan by adopting a new Telecommunications Plan element, with recommendations for changes to existing County ordinances, policies, and procedures to serve as a framework to guide the coordinated, adjusted, and harmonious development of the County, and repealing the current Telecommunications Plan element; and

WHEREAS, the Board duly ordered, advertised, and held a public hearing, at which time public testimony was received, and the merits of the proposed Comprehensive Plan amendment were considered; and

WHEREAS, the Board finds that the proposed amendment will guide and accomplish the coordinated, adjusted, and harmonious development of the County, which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, and general welfare of the citizens, including the elderly and persons with disabilities; and

WHEREAS, the Board finds that the adoption of the proposed amendment to the Comprehensive Plan is consistent with good planning practices; and

WHEREAS, the Board has carefully considered the recommendations of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board believes that the proposed amendment to the Comprehensive Plan should be adopted;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, that the Board be and it hereby does adopt the proposed amendment to the Stafford County Comprehensive Plan, by adopting a new Telecommunications Plan element, dated June 2011; and

BE IT FURTHER RESOLVED that the Telecommunications Plan element of the Stafford County Comprehensive Plan, dated June 4, 2002 be and it hereby is repealed.

<u>Planning and Zoning; Discuss Warrenton Road (Rt. 17) Widening Property Impacts</u> Due to Mr. Snellings' absence, this item was deferred to the November 15, 2011 meeting.

<u>Planning and Zoning; Refer Courthouse Small Area Plan and Form Based Codes to the Planning Commission</u> Mr. Mike Zuraf, Principal Planner; Deanna Rhodeside, Rhodeside and Harwell; and Mr. Lee Einsweiller, gave presentations and answered Board members questions. Ms. Stimpson asked Mr. Harvey to ensure that this presentation was available on the County's webpage.

Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R11-294.

The Voting Board tally was:

Yea: (6) Milde, Stimpson, Crisp, Dudenhefer, Sterling, Woodson

Nay: (0)

Absent: (1) Snellings

Resolution R11-294 reads as follows:

A RESOLUTION TO REQUEST THE PLANNING COMMISSION TO PREPARE, DEVELOP, CONSIDER, AND HOLD A PUBLIC HEARING ON: (1) PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN, SPECIFICALLY DEVELOPMENT OF A SMALL AREA PLAN FOR THE COURTHOUSE URBAN DEVELOPMENT AREA; AND (2) AMENDMENTS TO THE ZONING ORDINANCE TO CREATE A NEW **ZONING** CLASSIFICATION FOR THE COURTHOUSE UDA, RECOMMENDED THE **DOCUMENT** IN ENTITLED "COURTHOUSE URBAN DEVELOPMENT AREA PLAN -STAFFORD COUNTY, VIRGINIA," DATED OCTOBER 12, 2011

WHEREAS, the County was awarded a grant from the Virginia Department of Transportation for the designation and implementation of Urban Development Areas (UDAs) in its Comprehensive Plan; and

WHEREAS, the VDOT-funded UDA Grant provides the County with technical assistance by a team of consultants (Consultant); and

WHEREAS, the UDA grant deliverables require (1) the development of a small area plan for at least one of the UDAs, (2) proposed zoning ordinance amendments to create a zoning classification that incorporates the principles of new urbanism "by-right," and (3) the evaluation and presentation of the impacts, including transportation, of various UDA proposals; and

WHEREAS, the Board previously directed County staff and the Consultant to proceed with the development of a proposed small area plan and proposed zoning ordinance amendment for the Courthouse Urban Development Area, in accordance with the parameters of the Urban Development Area Planning Grant; and

WHEREAS, a Courthouse UDA report was developed, following public input efforts, that included proposed Comprehensive Plan Amendments, an evaluation of the impacts on transportation, and proposed zoning ordinance amendments; and

WHEREAS, the Board desires to consider the adoption of a Courthouse UDA Plan, as an amendment to the Comprehensive Plan, and zoning ordinance amendments, to satisfy the requirements of the UDA Grant and facilitate positive growth in the County's UDAs; and

WHEREAS, the Board believes that public necessity, convenience, general welfare, and good zoning practices require adoption of the zoning ordinance amendments; and

WHEREAS, the appropriate guidance and implementation of Urban Development Areas in the Courthouse area of Stafford County;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, that the Planning Commission is hereby requested to prepare, develop, consider, and hold a public hearing on: (1) proposed amendments to the Comprehensive Plan, specifically the development of a Small Area Plan for the Courthouse Urban Development Area; and (2) amendments to the zoning ordinance to create a new zoning classification for the Courthouse UDA, as recommended in the "Courthouse Urban Development Area Plan – Stafford County, Virginia," dated October 12, 2011; and

BE IT FURTHER RESOLVED that the Planning Commission be and it hereby is authorized to make any adjustments to the proposed Comprehensive Plan and Zoning Ordinance amendments that they deem necessary and appropriate; and

BE IT STILL FURTHER RESOLVED that the Commission shall conduct a public hearing and provide the Board with its recommendations by December 31, 2011.

Mr. Dudenhefer asked Mr. Tim Baroody, Deputy County Administrator, and Mr. Keith Dayton, Acting Deputy County Administrator, to come forward and commended them on the Economic Development 10-Point Plan, on keeping Stafford County a business-friendly community, and complimented Mr. Baroody and Mr. Dayton and staff for their hard work and professionalism adding that he and the Board were grateful to work with them.

<u>Finance and Budget; Health Insurance Fund Appropriation to the Schools</u> Mr. Sterling motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R11-299.

The Voting Board tally was:

Yea: (6) Sterling, Stimpson, Crisp, Dudenhefer, Milde, Woodson

Nay: (0)

Absent: (1) Snellings

Resolution R11-299 reads as follows:

A RESOLUTION TO ADJUST THE FY 2012 APPROPRIATION OF THE SCHOOLS' HEALTH SERVICES FUND

WHEREAS, the FY2012 Health Services Fund budget appropriation consisted of up to \$5.5 million contribution to the OPEB trust plus 25% of the remaining budget, pending information regarding the fund's revenues and expenditures; and

WHEREAS, the information has not been provided by School staff and the School Board does not expect to address the Health Services Fund issue until later in the year; and

WHEREAS, the Board of Supervisors wishes to ensure that the School Board has sufficient appropriation to meet the health insurance needs of its employees;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, out of an abundance of caution, that it be and hereby does increase the appropriation of the Schools' Health Services Fund by \$4,960,602.

Parks, Recreation and Community Facilities; Execute a Contract for Land Acquisition Support and Preliminary Engineering Services for the Rectangular Athletic Field Complex Site Mr. Woodson asked if there was precise location in mind. Mr. Romanello said that proposed locations would be discussed in Closed Session. Mr. Dudenhefer said the Board was not at liberty to discussion specifics in Open Session at that time but that once a decision had been made, it would be announced to the public.

Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R11-298.

The Voting Board tally was:

Yea: (6) Milde, Stimpson, Crisp, Dudenhefer, Sterling, Woodson

Nay: (0)

Absent: (1) Snellings

Resolution R11-298 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR LAND ACQUISITION SUPPORT AND PRELIMINARY ENGINEERING SERVICES FOR THE RECTANGULAR ATHLETIC FIELD COMPLEX SITE

WHEREAS, the proposed rectangular athletic field complex will increase recreational opportunities by providing rectangular athletic fields for the benefit of all County citizens; and

WHEREAS, development of a rectangular athletic field complex in the County was identified in the 2009 Parks and Recreation Bond; and

WHEREAS, the County requires land acquisition support and preliminary engineering services for the continued development of the rectangular field athletic complex; and

WHEREAS, Greenhorne & O'Mara, Inc. proposed to provide land acquisition support and preliminary engineering services for the rectangular athletic field complex project in an amount not to exceed Two Hundred Forty Thousand, Six Hundred Fifty-five Dollars (\$240,655) unless duly-amended by a executed contract amendment; and

WHEREAS, staff determined that this proposal is reasonable for the scope of work of this project;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, that the County Administrator be and he hereby is authorized to execute a contract with Greenhorne & O'Mara, Inc., in an amount not to exceed Two Hundred Forty Thousand Six Hundred Fifty-five Dollars (\$240,655) for land acquisition support and preliminary engineering services; and

BE IT FURTHER RESOLVED that that the County Administrator be and he hereby is authorized to budget and appropriate funds in amount of Two Hundred Forty Thousand Six Hundred Fifty-five Dollars (\$240,655) from the Capital Reserve to the Capital Project Fund for land acquisition support and preliminary engineering services for the Rectangular Athletic Field Complex site; and

BE IT STILL FURTHER RESOLVED that the intent to reimburse for the land acquisition support and preliminary engineering services for land to be acquired for the Rectangular Athletic Field Complex, made out of the Capital Reserve Funds for FY2012, be and it hereby is adopted as follows:

NOTICE OF INTENT TO REIMBURSE CERTAIN CAPITAL IMPROVEMENT EXPENDITURES

Section 1: Statement of Intent. The County presently intends to finance planning and design services for Land Acquisition with tax-exempt or taxable bonds or other obligations (the "Bonds") and to reimburse capital expenditures paid by Stafford County (including expenditures previously paid by the County to the extent permitted by law) in connection with the Land Acquisition project before the issuance of the Bonds.

<u>Section 2: Source of Interim Financing and Payment of Bonds</u>. Stafford County expects to pay the capital expenditure related to the land acquisition support and preliminary engineering services for land to be acquired for the Rectangular Athletic Field Complex incurred before the issuance of the Bonds with an inter-fund loan or loans from the General Fund or from temporary appropriations or loans from the Capital Reserve Fund. Stafford County expects to pay debt service on the Bonds from the General Fund consisting of general tax revenues for the land acquisition support and preliminary engineering services for land to be acquired for the Rectangular Athletic Field Complex.

Section 3: Effective Date; Public Inspection. This Resolution is adopted for the purposes of complying with Treasury Regulation Section, 1.150-2, or any successor regulation, and shall be in full force and effect upon its adoption. The Clerk of the Board shall file a copy of this Resolution in the records of Stafford County available for inspection by the general public during Stafford County's normal business hours.

Legislative; Closed Meeting. At 9:11 p.m. Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution CM11-17.

The Voting Board tally was:

Sterling, Crisp, Dudenhefer, Milde, Stimpson, Woodson Yea:

Nay: (0)

Absent: (1) **Snellings**

Resolution CM11-17 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to discuss in Closed Meeting: (1) legal advice regarding the potential acquisition of real property for a public purpose; (2) legal advice regarding pending litigation, Board of Supervisors v. Lois Roberson, Case No. CL 09-935; (3) legal advice regarding Austin Ridge subdivision; (4) a personnel matter regarding the Zoning Administrator position; and (5) a personnel matter regarding the Citizen Action Officer position; and

WHEREAS, pursuant to Virginia Code Sections 2.2-3711(A)(1), (3), and (7), such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 18th day of October, 2011, does hereby authorize discussions of the aforestated matters in Closed Meeting.

Call to Order At10:05 p.m., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u> Mr. Sterling motioned, seconded by Dr. Crisp, to adopt proposed Resolution CM11-17(a).

The Voting Board tally was:

Yea: (6) Sterling, Stimpson, Crisp, Dudenhefer, Milde, Woodson

Nay: (0)

Absent: (1) Snellings

Resolution CM11-17(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON OCTOBER 18, 2011

WHEREAS, the Board has, on this the 18th day of October, 2011 adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 18th day of October, 2011, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Dr. Crisp motioned, seconded by Mr. Milde, to adopt proposed Resolution R11-300.

The Voting Board tally was:

Yea: (6) Milde, Crisp, Dudenhefer, Sterling, Stimpson, Woodson

Nay: (0)

Absent: (1) Snellings

Resolution R11-300 reads as follows:

A RESOLUTION TO EXECUTE AN AGREEMENT AFTER CERTIFICATE, AND AUTHORIZE PAYMENT OF \$40,000 IN SETTLEMENT OF A PETITION FOR CONDEMNATION FILED BY THE BOARD PURSUANT TO A QUICK-TAKE CONDEMNATION OF THE PROPERTY OF LOIS D. ROBERSON IN CONNECTION WITH THE ROCKY PEN RUN RESERVOIR PROJECT

WHEREAS, the Board recorded a Certificate of Take (the "Certificate"), relating to the property of Lois D. Roberson, Tax Map Parcels 43-32 and 43-33 (the "Property"), among the land records of Stafford County on June 12, 2009, as Instrument No. LR090009761; and

WHEREAS, the Board simultaneously deposited the amount of Seven Hundred Ninety-eight Thousand Three Hundred Eighty-three Dollars (\$798,383) with the Stafford County Circuit Court (the "Court"); and

WHEREAS, Lois D. Roberson (the "Owner") drew down the entire \$798,383 on deposit with the Court; and

WHEREAS, the Board filed a Petition for Condemnation (the "Petition") with the Court on or about August 4, 2009, and the Owner filed an Answer and Grounds of Defense and Counterclaim to the Petition; and

WHEREAS, the Board and the Owner agreed to the sum of Eight Hundred Thirty-eight Thousand Three Hundred Eighty-three Dollars (\$838,383) as total compensation for the Property taken, including all damages, as set forth in the Agreement After Certificate;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 18th day of October, 2011, that the County Attorney, or his designee, be and he hereby is authorized to execute the Agreement After Certificate; and

BE IT FURTHER RESOLVED that the County Administrator, or his designee, is authorized to deposit Forty Thousand Dollars (\$40,000) with the Clerk of the Court pursuant to the Agreement After Certificate.

Mr. Dudenhefer motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R11-301.

The Voting Board tally was:

Yea: (6) Milde, Crisp, Dudenhefer, Sterling, Stimpson, Woodson

Nay: (0)

Absent: (1) Snellings

Resolution R11-301 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE ASSISTANCE AGREEMENTS

WHEREAS, soil destabilization and slope failure have occurred on 116 and 118 Brush Everard Court, Stafford, Virginia 22554 (the "Properties"); and

WHEREAS, the Board desires to provide financial and technical assistance to defray the costs associated with analyzing, stabilizing, and remediating the soil destabilization and slope failure on the Properties and the adjacent common areas; and

WHEREAS, the Properties owners have executed the requisite Assistance Agreements;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of October, 2011, that the County Administrator be and he hereby is authorized to execute the Assistance Agreements to provide financial and technical assistance to defray the costs associated with analyzing, stabilizing, and remediating the soil destabilization and slope failure on the Properties and the adjacent common areas.

Adjournment At 10:10 P.M., the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM
County Administrator

Mark Dudenhefer
Chairman